## IN THE COURT OF THE TRANSPORT TRIBUNAL LONDON FARES AND MISCELLANFOLIS CHARGES DIVISION London Transport Board

1964 No. 4 In the matter of the London Fams (London Transport) Orders 1963 and 1964

Regions for Decision of the Tribunal This application for an Order under s.45 of the Transnm apparentian for an Order unter 8.00 of the Transport Act, 1962 (hereafter referred to as "the Act") to replace the London Furus (London Transport) Orders, 1963 and 1964 was made on 7th August 1964. At that date the Applicants bad increased their charges in accordance with the special procedure for the temporary their charges in

authorisation of increased maximum charges contained in s.48 of the Act, the increases duting from 19th July The application has annexed to it a draft Order which, ine approached has armessed to it is creat Order which, in addition to making permanent the increased maximum charges temperarily authorized under a.48 of the Act, permits further increases in the farm on the Applicants'

railways. These further increases are consequential upon the application made by the British Railways Board. (1964 No. 3) on the same day. On 19th December, 1963, this Tribunal made the London Faces (London Transport) Order, 1963, fixing maximum charges which were expected to produce a surples, star expenses and interest bad been met, of £2-dm. By that time the financial picture which had been presented to us in the laquiry which we held before reaking the Order had been materially alared, for on this December introuses in the pay of drivers and con-

light December increases in the pay or orders into con-ductors took effort. In the same month formans were granted to the Applicants' railway soil. The total effect of these increases, together with seems smaller increases which had come into effort earlier, would have been to produce in a full year on estimated revenue deficit of £D 2m, instead of the surplus previously estimated. In order to most this position the Applicants applied m after to mee, this pounts the Appristres applied for, and we made, the London Farm (London Transport) Order 1963 (Variation) Order 1964, dated 25th June 1964, fixing some further increased maximum charges, which it was estimated would preduce a surptin of £2-5m.

in a future year. Unfortunately the estimate then made has turned out Uncortunately the estimate time made this tillhold offit to be withly optimistic. In consequence of adverse factors which have been opening during the year 1984 upon both sides of the revenue and expenditive account, the charges fixed by the two Ordens will not produce the estimated userplace of 25°Cm, but are calimated us results and the produce the estimated userplace of 25°Cm, but are calimated us or result

in a deficit of £27m. It is estimated that the increased maximum operarily authorised under a 48 of the Act would yield £5'64m, and that the further increases consequential upon the application made by the British Railways Board upon the application anale by the British Railways Board would yield BD 07m. Rounding up to \$5.7 m., it is therefore estimated that the deficit of \$2.7 m could be convented into a samplia at the rate of \$2.8 m could be convented into a samplia at the rate of \$2.8 m to not however, copected that such a sumplies will nextually be achieved, because the Applicanta will be faced with meeting the cost of forther suprovements in the pay and conditions. of service of their employees between now and next July.

The most disturbing feature of the situation is that, The most distribute trainers or the statistics been a decline in the gross possenger receipts at the two gross possenger receipts at the two of grown in a feel year. At first eight this might appear to have been brought about by the resistance of the public. to have been brought about of the remained of an appearance to the increased fares, in which event no ambiposition of the Applicants' position could be expected from still further intreases in farm. This was suggested to be the correct interpretation of the figures by Mr. Calvocorosi, correct interpretation of the figures by Mr. Chroserosa, who appeared for the Chrothant Urban District Council, and by Mr. Egelnick, who addressed us on behalf of the London District Committee of the Commitmin Party. On Leathin District Committee of the Committee Party. On clone: investigation this turned out not to be the case. During the first twenty-four weeks of the year 1864 the Applicant's passinger traffic exception and fairly made that we have been present the committee of the committe

of £1 64m, on their road services, which had been

sartially off-set by an increase of £0-5m, on their rtiltways. Had the decline been due to nearmers resistance, one would have expected to find it on all the surricus.

Applicants

The explanation put forward by the Applicants, which seems to be consistent with the figures, was that the road services had permanently lost passengers as the result services and permanently feet peacetagers as the fellium of a ban on weeking overfines by their opening short during the automo of 19G, which had caused a change in the travelling habit of members of the public, some transferring their patronage to the Applicant's realized, some to the cathways of the British Rullways Board, and others shandburing public transport thoughout the same and the same and the same transport the same and be attributed to a tendency to live nearer to work or to to attrituded to a tondency to live nature to work or to work nearer to home, so shortening the daily journey to work, and tome of it to the adoption of a five-day week

in some London shops. After the matter had been investigated during the inquiry before us, Mr. Goff, who appeared for the Courty Cottenes of Leadon, Médieses and Surrey, stand that his cleans did not feel that it would be right to oppose confirmation of the increason made under a SI of the Act. We are satisfied that this was a proper course to take

When announcing this decision of his clients, Mr. Golf invited in to take one of two courses, namely, either to say in our decision that, having regard to the evidence, we are now saighted, notwithstanding the matters which we are now season, necessity proceedings, that the proper surplus to discharge the Applicant's entirory financial duty carnot exceed £2m; or, alternatively, so make it-clear that our decision in the carlier proceedings related only to the observationed; as they then were and, having regard to the evidence, it is now open to consideration whether the figure of £4m, should not be revised and to what extent it ought to be revised. On these matters we say nothing, save to observe that

when considering any future application under the Act it will be our duty under ss.45(4) and 46(4) of the Act to was no our utry unser as exects and early of the Act to take into account the Applicants' then present circum-stances and future prospects, as disclosed by the evidence at the public inquiry which it will be our duty to hold We turn now to consider the matters which remained

We turn now to consider the matters which semanted in dispots at the end of the inquiry, namely the further increases in farm consequential upon the application made by the British Radivays, Board. These uncreases were the application of the British Radivays were the application of the British Radivays to the charges to the fine from Bow Road to Upput note: application of the further increases in senson bolest Table cought by the British Radivays Board to the fine from the British Radivays Board to th sought by the BRIGHT RAINWAYS BEARS to the inter-tree. Harrow-on-the-Hill to Americham, with its two branches to Westford and Chesham, to the line from Gusca's Park to Westford Junctice, and to the line from Bow Road to Oppointer; and the abelitizes of day resure titlets. The application of the British Railways scale of charges to the line from Bow Road to Uprainster would be an innovation: the fares on the other lines have always been at the then current British Railways level.

The proposal to neply the British Enliveys code of charges to the life from Bow Read to Uprimizer is consequential upon the application by the British Enliveys Board to apply to their Fractaneth Street lines that general fram, which has applied to those lines there 1930. Having decided upon the Bolith Rallways Board's application not to allow the present politics with regard to their Practicach Street, Linus, it follows that the part of this The proposal to apply the British Railways scale of application should be refused.

Hywing decided to retries the British Railways Beard's application that their season tisker rates should be in-creased beyond those of the Applicants, it follows that there can be no justification for permitting the Applicants to charge the morrased season ticket rates on the Bost to which the British Railways scales of ordinary Irans are applied

Having decided to allow the British Railways Board's pplication to abolish day return tickets, it follows that to qualit also to allow the part of the Applicants' appliention relating to such tickets. It seems to us that the reasons for sholishing day return tickets on the lines of the Applicants and the British Radways Board are indistroguisbable.

in addition to the maximum charges already referred to, the application also invited us to include in the Order paragraphs authorising the making of such obarges as

be reasonable in respect of the carriage of DASSEDERFE (1) by any vehicle specially constructed or adapted for the carriage of more than the normal number of

standing passengers; and ) by any vehicle not ordinarily in general use by the Board, or by any vehicle the method of operation of which (including staffing and the collection of faces) is not ordinarily in general use by the Board for the carriage of manuscripts by stage carriage ser-

view or the London couch services. We were informed that the object of these proposals was to enable the Applicants to experiment with now methods for the transport of passengers in congested areas and at busy times. The only concrete proposal of which we were told was one to use six single-decker which we were told was one to use six single-ducker consultates of a new type designed to carry an increased number of standing passengers on the bury route between Victoria and Marthe Arch. What it desired is to experi-ment with a flat-rate fars, which will probably be higher than the maximum for the result, is order to see whether it will be attractive to people who want to get below quickly, although steading, from one point to exclude. It appears to us that this object could be attained without the inclusion in the Order of the account proposed paragraph. We were given no information as to the type of service which it is contemplated might be operated under this panagraph, and we were told that the Appli-

cants do not attach much importance to it. So fir as the first proposed paragraph telating to standing passengers is concerned, it was urged upon us by Mr. Golf that we ought to fix maximum charges instead by Mr. Gell that we craph to fix maximum uses, of leaving the Applicants to make reasonable charges, subject to the decision of this Tribunal as to their reasonableaness. Mr. Gell further contended that in any even ablaness. spenses. Mr. Con turner contenses that in any even the Applicants ought to be required to provide an ade-quate alternative service at permal faces.

We are required by s.45(3)(a) of the Art to fix maximum except in cases where it appears not to be masorably practicable or to be undescrable to to do. each cases we are empowered by s.45(3)(b) to nuthorite the making of such charges as may be reasonable. making of such thanges as may be reasonable. Having regard to the experimental matuse of the proposed service using vehicles of a kind which have never before been used in the London Area, we do not consider that it is reasonably practicable for us to its maximum changes

until the service has been operated experimentally. As for the sussestion that we should only allow the Applicants to charge for the use of their experimental webicles subject to a provise that they should provide an afequate alternative service at normal fares, our only powers are those conferred upon us by the Act, those powers do not include one of requiring the Appli-cants to operate services. The Applicants' only obligacents to operate services. The Applicants' only obliga-tion to operate services is the general duty imposed upon them by a7 of the Act.

After considering the wording of the paragraph relating to stanting passengers in the light of the Public Service Vehicles and Trolley Vehicles (Corrying Capacity) Rogalis-Vehicles and Trousy ventors (LETYING Channey) accum-tions, 1954 (S.I. 1954 No. 1612), we have come to the occubation that it should be referated in the following Serms-

"by any vehicle specially constructed or adapted for the purpose of carrying standing passengers and authorized for that purpose under regulation 6 of the Public Service Vehicles and Frolkey Vehicles

(Carrying Capacity) Regulations, 1954".
Finally it was suggested that this provision should only Finally It was reggarded that this provision should only be allowed for a limited period. Whence represents any view on the question whether we have jurisdiction to make an order or juris of an enter to operate for a limited course to take in this instance. The only effect of limiting the operation of the clause to a certain time would be that upon the expiration of that time there would be that spon the expiration of that time there would be operation in the Order as respects the charges in occation, and the result would be that those charges be left to the unfettered discretion of the Applicants under paragraph 26 of the Order, which we are required to include in it by virtue of a 45(3)(c) of the Act.

T. B. ROBSON. R. C. Moore. 22nd January 1965.

G. D. Sousse.

THE LONDON FARES (LONDON TRANSPORT) ORDER 1965 DAILY PROCEEDINGS

CORRECTIONS FIRST DAY

Monday, 10th November, 1964

Per L. cleans. Secured 4. [act - leaf Page 5, column 1, question 70, line 5—for "take is the daypris shown."
Page 5, column 2, question 70, line 5—for "reduced" read "reaswed"
Page 6, column 1, question 77, line 5—for "laiser" read "latter"

SECOND DAY

Turnéry 1st December 1964

| Page 2, colours 2, total colours 2, total colours 3, total colours 2, total colours 3, total colours 4, total colours 5, total colours 5, total colours 6, to

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rage or, outsime A question 472, lines I and 2—for "in it? That will not another—And 
Page 24, column 2, question 472, line 4—dates "year" page 25, column 1, question 473, line 4—dates "year" prod "of "
Page 25, column 1, question 493, line 2—for "no "for of of of "of "of other page 25, column 1, question 599, line 5—for "no section for "rad" show minus 50-4m" 
Page 25, column 1, question 599, line 5—for "no section 1" read "of moreone"
          Page 27, column 1, question 530, line 1—delete "Yes"
Page 27, column 1, question 535, line 3—after "7" add "—"
     Page 27, column 1, installant SSC, like 2—shire "1" "1" and " — " (trong)

page 37, column 1, installant SSC, like 12—shire "1" page 37, column 1, column 1,
     Page 29, column 1, question 552, line 1—delage "of" "Harrow and inswerfs "out "Harrow inswerfs "out "har page 20, column 2, question 693, line 5—for "we ween net "read" "we were "Page 29, column 2, question 693, line 5—for "we ween net "read" "we were "Page 29, column 2, question 693, line 5—for "we ween net "out" "le "line 20, column 2, question 693, line 5—for "we ween the read" "le "line 20, column 2, question 693, line 5—for "we ween the read" "le "line 20, column 2, question 693, line 5—for "We could not persent "read" "We should not into
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#### THIRD DAY Wednesday, 2nd December, 1964

We should not intend "

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the following:—

W(F, Col. J., Col. 4, Col. 5, Col. 7, Col. 8, Col. 9

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Nov. 8 1984 - 269 - 0-7

Nov. 8 1984 - 23 -0-7

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22 1975, 144 - 9-7 1975 +14 +0-7 44358 -293 -0-7 29 -21 96335 -316 -0-7 FOURTH DAY

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Page 82, Ethibit R.M.R. 9, column 1—after " Ordinary and Day Return Farms " neet " (a) "
column 7—after " Ordinary and Day Return Farms " neet " (a) "
column 7—antite" " Sono Or Titlets and Weekly Takees (a) " intent " approx; " over 6% and 1%

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Page 41, column 2, question 341, line 5—for " collect" rend " equato" " Page 44, column 1, question 39, line 3—for " Maryleboos " rend " Americana" Page 47, chairin R. ed R. — Swing land 1, rend 1,

#### FIFTH DAY

Friday, 4th December, 1964

Commission (Passenger) Charges Scheme " read " Missies of

OP 1100 102 . 060 (19)

## THE TRANSPORT TRIBUNAL

# THE LONDON FARES (LONDON TRANSPORT) ORDER 1965

#### REASONS FOR DECISION

### 22nd JANUARY 1965

AND CORRECTIONS TO DAILY PROCEEDINGS 30th NOVEMBER 1964 TO 4th DECEMBER 1964



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